

ITAA ETHICS PROCEDURES MANUAL and ITAA CODE OF ETHICS

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**The ITAA Ethics Committee acknowledges and thanks
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Chapter 1 Introduction

1.1 Introduction

The primary goal of the complaint procedures for dealing with alleged violations of the ITAA Code of Ethics is to ensure that procedural fairness exists for all parties involved in the ethics complaint process. An objective will be to facilitate a resolution to the complaint through a mediation process, without the need to proceed to a formal complaint.

However when applying this process fails to facilitate a resolution, the Ethics Committee will provide a structure for confrontation, a fair hearing and if necessary fair and sound judgement to ensure that members of the ITAA represent and conduct themselves professionally in line with the ITAA Code of Conduct.

The ordinary rules of natural justice shall apply throughout the complaint process.

The term natural justice is used in the sense that it is commonly applied to include that:

1. The person accused should know of the nature of the accusation made.
2. The person accused should be given an opportunity to state their case in response to the accusations being made.
3. Persons called upon to investigate, mediate or adjudicate shall act and be perceived to act fairly, in good faith without bias and in a dispassionate manner.
4. Only information relevant to the case is collected.
5. All parties involved in the complaint will treat confidentially all information received.

1.2 Committee Constraints

In carrying out its responsibilities, the Ethics Committee shall act in accordance with the ITAA Articles of Incorporation and Bylaws, the Code of Ethics, and with these procedures.

ITAA adjudication proceedings are not formal legal proceedings.

1.3 Subject's Use of Legal Counsel

The respondent under investigation may consult with their legal counsel at any time, but the respondent is to be an active participant in these proceedings. The respondent must respond to the complaints at all levels of the process.

Chapter 2 ITAA Code of Ethics

We recognize that through our certification process, the ITAA establishes a social contract that invites the public to trust that all members of the ITAA acknowledge and adhere to the ethical principles in this document.

We also recognize that members do not always utilize these ethical principles and, therefore, that confrontation of a member is sometimes desirable and/or necessary.

We further recognize that should individual's behaviour show a lack of integration of or consistency with these principles, his/her membership may be suspended by the ITAA until such time as that integration is assured.

1. An ITAA member acknowledges the dignity of all humanity regardless of physiological, psychological, sociological or economic status.

2. It is the primary protective responsibility of members of the ITAA to provide their best possible services to the client and to act in such a way as to cause no intentional or deliberate harm to any client.
3. Members of the ITAA should strive to develop in their clients awareness of and functioning from a position of dignity, autonomy and personal responsibility.
4. The ethical practice of transactional analysis involves entering into an informed contractual relationship with a client, which the member of the ITAA and the client should have the competence and intent to fulfil. When a client is unable or unwilling to function autonomously and responsibly within this contractual relationship, the member of the ITAA must resolve this relationship in such a way as to bring no harm to the client.
5. A member of the ITAA will not exploit a client in any manner, including, but not limited to, financial and sexual matters. Sexual relations between an ITAA member and a client are prohibited.
6. Members of the ITAA will not enter into or maintain a professional contract where other activities or relationships between an ITAA member and a client might jeopardize the professional contract.
7. The professional relationship between a member of the ITAA and the client is defined by the contract, and that professional relationship ends with the termination of the contract. However, certain professional responsibilities continue beyond the termination of the contract. They include, but are not limited to, the following: a) maintenance of agreed-upon confidentiality; b) avoidance of any exploitation of the former relationship; c) provision for any needed follow-up care.
8. Members of the ITAA will operate and conduct services to clients with full responsibility to existing laws of the state and/or country in which they reside.
9. In establishing a professional relationship, members of the ITAA assume responsibility for providing a suitable environment, including such things as specifying the nature of confidentiality observed, providing for physical safety appropriate to the form of activity involved, and obtaining informed consent for high-risk procedures.
10. If members of the ITAA become aware that personal conflicts or medical problems might interfere with their ability to carry out a contractual relationship, they must either terminate the contract in a professionally responsible manner, or insure that the client has the full information needed to make a decision about remaining in the contractual relationship.
11. Members of the ITAA shall in their public statements, whether written or verbal, refrain from derogatory statements, inferences and/ or innuendoes that disparage the standing, qualifications or character of members, bearing in mind their responsibility as representatives of the ITAA and of transactional analysis.
12. Members of the ITAA accept responsibility to confront a colleague whom they have reasonable cause to believe is acting in an unethical manner, and, failing resolution, may report that colleague to the appropriate professional body.

We affirm these principles as common to the practice of ITAA members unless a member explicitly states in writing his/her differences from these positions. In such an instance, the client's attention to any such differences must also be noted in writing as part of their contract setting process.

Chapter 3 A Summary of the Procedures

The primary goal of the complaint procedures for dealing with alleged violations of the ITAA Code of Ethics is to ensure that procedural fairness exists for all parties involved in the ethics complaint process. An objective will be to facilitate a resolution to the complaint through a mediation process, without the need to proceed to a formal complaint.

However when applying this process fails to facilitate a resolution, the Ethics Committee will provide a structure for confrontation, a fair hearing and if necessary fair and sound judgement to ensure that members of the ITAA represent and conduct themselves professionally in line with the ITAA Code of Ethics.

3.1An individual is required to confront the ITAA member whose behaviour they believe to be in violation of the Code of Ethics and invite a change in behaviour.

3.2 Should the confrontation prove to be unsuccessful or impractical then a formal written complaint must first be dealt with by the local TA Association. When no such authority exists, or it is impractical for the local TA Association to deal with the complaint, the ITAA Ethics Committee will then admit the complaint to the following procedure.

3.3 A formal written complaint must be filed with the ITAA Ethics Committee, addressed to "The chairperson ITAA Ethics Committee C/o ITAA office in an envelope marked "CONFIDENTIAL". A copy of the "complaint form" is available by request from the ITAA office.

3.4 The office manager will check to see if the complaint is about a member of ITAA and if so will send a copy of the formal complaint to the chairpersons of the Ethics Committee. If the person complained about is not a member of ITAA, the office manager will advise the chairpersons who advise the complainant that the Association has no authority to deal with the matter.

3.5 The chairpersons of the Ethics Committee and if required, the legal counsel and or the Ethics Committee for the Association, shall review the complaint and shall determine whether it states allegations which, if proven factual, would constitute violation(s) of the Code of Ethics.

3.6 If there are sufficient grounds for the complaint to be investigated, the chairpersons shall:-

1. Notify the complainant in writing that the complaint will be investigated and
2. Request the complainant's permission to disclose his or her name to the member being complained about (respondent), and
3. Seek permission to provide a copy of the complaint (or a summary) to the Ethics Committee's investigator.

3.7 After the chairpersons of the Ethics Committee receive permission for the use of the complainant's name, the chair of the Ethics Committee shall notify the member (respondent) of the complaint. The notice to the respondent shall:

1. Be mailed by appropriate means and marked "confidential".
2. State the articles of the Code of Ethics relevant to the allegations of the complainant.
3. Enclose a copy or a summary of the complaint
4. State the Committee's basis for statement of the complaint.
5. Enclose a copy of the Code of Ethics and a copy or a summary of the Ethics procedures.
6. Direct the respondent to respond to the allegations, in writing, within thirty (30) days from receipt of the notification.
7. Inform the respondent that failure to respond may
 - a) Be taken as an admission of the facts contained in the allegation/s and
 - b) May result in sanctions being applied including the possibility of termination of his or her membership in the Association.

3.8 The chairpersons will appoint an investigator or investigating subcommittee who will:-

1. Notify the respondent and complainant of the Ethics procedures to be used.
2. Contact both the complainant and the respondent in order to gather all relevant information.
3. Notify the respondent of their rights to appear, to testify or present their side of the allegations.
4. Notify the respondent that they may respond to the complainant's allegations in writing and that this response may be given to the complainant.

3.9 It will be the responsibility of the investigator or investigating sub committee to see if it is possible to facilitate a resolution of the issues through mediation and if need be, suggest a line of action that is agreed upon by all concerned. If complainant and respondent agree upon resolution of complaint, such recommendation will be reported to the Ethics Committee for their review and approval.

If a resolution is not reached, the investigator or investigating sub committee shall report the results of their investigation to the Ethics Committee with a recommendation for action. The Ethics Committee will review and take action.

3.10 The Ethics Committee may take the report of the investigator or investigating sub committee and find that violation/s of the Code have been established and order any of the following actions:-

1. An order to cease and desist.

2. Censure.
3. Supervision.
4. Education, and/or therapy.
5. Perform community service.
6. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation).
7. Resignation with or without publication.
8. Termination of membership
 - a) Permanent bar to readmission
 - b) Suspension or termination of the ITAA designation
 - c) Or any other action, within its remit, that the Ethics Committee deems appropriate.

If the Ethics Committee decides upon a finding for suspension or expulsion, the committee will so report to the ITAA president within ten (10) days of reaching the decision. The ITAA president shall forward the findings to the Board of Trustees who must enact requests for suspension or expulsion.

3.11 The respondent may request, or the Ethics Committee may decide that the case be submitted to a hearing board in which case the chairpersons shall appoint a hearing board chairperson who will appoint at least three hearing board members.

3.12 After all parties have been notified of the hearing board and the documents have been reviewed, the hearing board will convene to hear the case following the procedures laid down for the conduct of the hearing.

3.13 If a violation of the Code of Ethics is found, the hearing board shall recommend to the Ethics Committee the action to be taken. Such action will be consistent with paragraph 10 above.

3.14 The respondent, with reasonable grounds, may appeal the findings of the hearing board, in writing to the president of ITAA, within thirty (30) days of the announcement of the decision. The only basis for appeal to the ITAA Board of Trustees by a respondent regarding the decision of the Ethics Committee is that there was a violation of the procedural rules of the hearing board, and that this violation substantially impaired the respondent's ability to defend against the complaint. The appeal shall be limited to a review of the procedures, evidence and findings, with no new evidence being submitted.

3.15 Should an appeal be granted by the ITAA president, an Appeal board consisting of the Chairs of the Ethics Committee and four members of the ITAA Executive Committee will convene to consider the application and all relevant material.

3.16 The president of ITAA shall issue a written decision on the appeal and shall inform the respondent and the Ethics Committee of the decision in writing within fifteen (15) days of the meeting. The Appeal board must either

1. Affirm the Ethics Committee's decision,
2. Order a new hearing before a hearing board,
3. Change the findings of the hearing board,
4. Dismiss the case.

3.17 If additional evidence of unethical conduct is brought to the attention of the Ethics Committee after a matter has been closed, the case may be reopened by the chairpersons of the ITAA Ethics Committee and under these procedures, be used in their deliberations about the new matter.

Chapter 4 The ITAA Ethics Committee

4.1 Membership of the Ethics Committee.

The Board of Trustees on the recommendation of the VP Operations appoints the committee chairs. The members of the Ethics Committee will be nominated by the chairpersons of the committee and appointed by the Board of Trustees. The committee shall consist of at least six (6) members. The terms of office for committee members will be for three (3) years. Because of the specialized nature of the work of this committee, members may be re appointed for successive terms. Decision making processes will follow the ITAA guidelines for the conduct of association

committee meetings. The membership of the Ethics Committee shall include no more than three trustees, who may not serve on an ethics appeal board.

4.2 Role of the Ethics Committee

The Ethics Committee shall follow the procedures laid down in this manual for handling ethical complaints against ITAA members.

The committee shall establish, oversee, review and approve investigations of alleged violations of the ITAA Code of Ethics, and to resolve such allegations by mutual agreement with the member, through an ITAA Ethics Committee investigator. In addition, the Ethics Committee establishes, oversees, reviews and approves the work of the hearing board which will make a recommendation of disciplinary action to be taken against the member by the ITAA Board of Trustees.

The ITAA Ethics Committee shall serve as a consultant body to other TA organizations to develop and/or revise Codes of Ethics. It shall also serve as a consultant upon the request of another TA organization to resolve disputed ethics decisions within that organization. The ITAA Ethics Committee shall not serve as an appeals body for other TA organization members.

The committee will review the ITAA Code of Ethics from time to time and interpret it to the membership and to the public.

4.3 Advisory Opinions

The Ethics Committee, at its discretion, may choose to give an advisory opinion about an ethical issue raised by a member of the Association, but it is not required to do so. Any such opinion will be confined to matters concerning the ethics process and whether an enquiry about alleged ethical violations would be appropriate matters for the ITAA Ethics Committee to consider. An advisory opinion will be given only when actual and not hypothetical question(s) have been asked. Such opinions will be rendered only in writing and only in response to a written request.

4.4 Jurisdiction

The Code of Ethics is binding on members of ITAA in all membership categories.

4.5 Jurisdiction over Resigned Members

The Association also has jurisdiction over resigned members in relation to complaints of ethical violations that occurred during the period of membership provided the complaint is received within one year of the date of resignation.

Chapter 5 Procedures for Handling Ethical Complaints

5.1 Scope of the Committee

The Ethics Committee of the local TA Association must have first dealt with all complaints submitted to the ITAA Ethics Committee. When no such authority exists, or it is impractical for the local TA Association to deal with the complaint, the ITAA Ethics Committee will deal with the complaint.

Procedures

5.2 Member to be Confronted

Any person having reasonable grounds to believe that a member's professional behaviour is not consistent with their ITAA membership is required to confront the member involved directly and invite the desired change in behaviour.

5.3 Filing a Formal Complaint

In the event that such confrontation fails to produce the desired result, or is deemed impractical, the concerned person may file a formal complaint with the Ethics Committee through the ITAA office, by making such a complaint in writing and supplying the substantiating evidence. Individuals submitting complaints should be aware that in doing so they are acting to resolve difficulties, that they may be confronted, and that they may seek no reward.

The Ethics Committee shall receive written complaints from members of the Association and non- members. The complainant must have personal knowledge of the alleged behaviour complained about or be in position to supply relevant, reliable testimony or other evidence on the subject.

Complaints must be in writing, and signed. The information contained in the complaint should at least cover the following areas: (See "Ethics Complaint" form in appendices)

1. What action the complainant is seeking to achieve a resolution to the complaint
2. Details about the complainant: e.g., name, address, contact details, employment position and the position you were in at the time of the alleged ethic's violations e.g. client, colleague etc.
3. The name of the person/s that the complaint is against (the respondent)
4. The details of the alleged violations of the ITAA Ethics Code.
5. The date/s of the alleged violations.
6. The section/s of the Code that the complainant believes have been violated.
7. Any evidence or names of persons that could help to support complainant's allegations.
8. Details and outcome of the action that the complainant has taken to confront the ITAA member before filing a formal complaint as required by the Code and these procedures.
9. Any actions that the complainant has taken or is considering taking to deal with the alleged violations (e.g. advising the respondent's employer, initiating a formal grievance procedure, seeking legal sanctions, etc).

The letter of complaint should be addressed to the chairperson ITAA Ethics Committee, and forwarded to the ITAA office with the envelope marked "CONFIDENTIAL"

5.4 Initiation of a Complaint by the Ethics Committee.

The Ethics Committee may proceed on its own initiative when it has been presented with sufficient allegations that, if proven factual, would constitute a violation of the Code of Ethics. For example, the Committee could proceed on information received from another professional organization, a state regulatory agency, or from public sources. If the Committee decides to proceed on its own initiative, it shall prepare a written statement concerning factual allegations of a Code of Ethics violation or violations.

5.5 Time Limitations

The Ethics Committee may determine, at its discretion, that a complaint cannot be investigated because the events complained about occurred too far in the past.

5.6 Complaints Regarding Resigned Members

The Ethics Committee will consider a complaint within one year from the date of resignation of membership or termination of membership for non-payment of dues.

5.7 Actions Prior to Membership

An ITAA member may not be charged with unethical behaviour for actions related to his or her professional conduct prior to the time the individual became an ITAA member.

5.8 Time Requirements for the Adjudication

ITAA shall make its best efforts to adhere strictly to the time requirements specified in these procedures. However, failure to do so will not prohibit final adjudication unless the person under investigation can show that such failure was wilful or unfairly prejudicial.

Chapter 6 Action on Receipt of a Formal Complaint

6.1 Membership Status

Anonymous complaints shall not be recognized as a basis for action.

When a complaint is received at the ITAA office, the office manager will check to determine the membership status of the person being complained about. A copy of the complaint along with the information about the membership status will be forwarded to the chairpersons of the Ethics Committee.

6.2 Non ITAA Members

If the person is not a member, nor a recently resigned or terminated member, nor an applicant for membership in the Association, the Office Manager shall so inform the chairpersons of the Ethics Committee who will inform the complainant, and shall explain that the Association has no authority to proceed against the person, and may refer the complainant to another agency or association with proper jurisdiction.

6.3 Resigned or Terminated Member

If the person is a recently resigned member or had their membership terminated, the complaint shall be referred immediately to the Chairpersons of the Ethics Committee who will determine whether the alleged violation occurred during the period of the person's membership or prior to membership, provided the complaint is received within one year from the date of resignation. If it is determined that the Ethics Committee has jurisdiction, the complaint process will proceed.

6.4 Determination if Ground for an Investigation

The chairpersons of the Ethics Committee and if required, the legal counsel for the Association, shall review the complaint and shall determine whether it states allegations which, if proven factual, would constitute violation(s) of the Code of Ethics. In the event the Chairpersons, in consultation with the legal counsel for the Association, cannot decide on such action or on any other action required of them under these rules, the matter shall be referred to the full Ethics Committee for decision.

6.5 Insufficient Grounds

If the complaint does not state factual allegations that constitute (a) violation(s) of the Code of Ethics, the Chairpersons shall so notify the complainant in writing. Notification to the complainant shall explain why the allegations do not warrant further action by the Ethics Committee and shall enclose a copy of the Code of Ethics.

6.6 Sufficient Grounds

If the complaint states allegations which, if proven factual, would constitute (a) violation(s) of the Code of Ethics, the chairpersons shall:-

1. Notify the complainant in writing that the complaint will be proceeded with,
2. Request the complainant's permission to disclose his or her name to the member being complained about (respondent) , and
3. Seek permission to provide a copy of the complaint (or a summary) to the Ethics Committee's investigator.

Only with this permission can an investigator proceed.

All correspondence to the complainant shall be marked "confidential" and sent by appropriate means.

Correspondence is not to be faxed or sent by any electronic means unless sender has ensured that only the recipient will see it.

The chairpersons shall also request that the complainant agree in writing to waive any relevant client/therapist privilege available to him or her so that the Ethics Committee may obtain information from the ITAA member and others.

If the Ethics Committee decides that the complaint is appropriate for the ITAA committee, the chairpersons will appoint (a) representative/s from among the members of the Committee or (a) suitable alternative/s as the investigator/s.

6.7 Complainant Refusal of Permission

If the complainant refuses permission for the use or disclosure of his or her name, the chairpersons of the Ethics Committee may refer the matter to the full committee or, with the advice of legal counsel, shall decide whether it may proceed with the complaint with an investigation on the committee's own initiative.

6.8 Notification of the respondent

After the chairpersons of the Ethics Committee receive permission for the use of the complainant's name, the chairpersons of the Ethics Committee shall notify the member (respondent) of the complaint. The notice to the respondent shall:

1. Be mailed by appropriate means and marked "confidential"
2. State the portions of the Code of Ethics relevant to the allegations of the complaint
3. Enclose a copy or a summary of the complaint, if the complainant has granted permission for the use of his or her name
4. State the Committee's basis for statement of the complaint if the Ethics Committee is proceeding on its own initiative
5. Enclose a copy of the Code of Ethics and a copy or a summary of these procedures

6. Direct the respondent to respond to the allegations, in writing, within thirty (30) days from receipt of the notification
7. Inform the respondent that failure to respond in writing within thirty (30) days may
 - a) Be taken as an admission of the facts contained in the allegation/s.
 - b) Result in termination of his or her membership in the Association.

For the purposes of notification, the last address received from the respondent with the payment of dues will be used, and mailing to that address will be deemed sufficient notice.

6.9 No Response by the Respondent

If a charged member does not respond to the charges, or to each specific allegation, the Ethics Committee may take the lack of response as an admission of the facts contained in the allegation.

6.10 Response by the Respondent

If a response is received from the respondent within thirty (30) days, or before the matter has been referred to the full Ethics Committee, the chairpersons of the Ethics Committee with the advice of legal counsel for the Association shall either

1. Close the case and notify the complainant, the respondent, and all members of the Ethics Committee; or
2. Empanel an investigator.

6.11 Resignation by the Respondent

If a charged member resigns from membership in the Association at any stage of the Committee's investigation of the complaint, the Committee will nonetheless complete its investigation, and may publicize a proven violation in accordance with these Ethics Committee procedures.

Chapter 7 Investigation

7.1 Preliminary Investigation by the Chairpersons.

The chairpersons of the Ethics Committee, assisted by legal counsel have the authority to gather sufficient information so that the ITAA investigator may review the complaint. For example, the chairpersons may deem it necessary to write to the respondent or the complainant for further information, or contact state regulatory bodies or other professional associations.

7.2 The Appointment of an Investigator

If the Ethics Committee decides that the complaint is appropriate for the ITAA Committee, the chairpersons will appoint (a) representative/s from among the members of the Committee or (a) suitable alternative/s as the investigator/s.

The chairpersons may appoint an ITAA investigator or an investigating subcommittee from the ITAA membership. If an investigating subcommittee is empanelled, it shall be composed of at least two persons, one of whom will be appointed as chair of the subcommittee. At least one member of the subcommittee must be a member of the Ethics Committee. The chairpersons may also appoint former members of the Ethics Committee to serve on such a subcommittee. In such instances, the chairpersons shall appoint, when appropriate, a current committee member as chair of the subcommittee.

7.3 Instructions for the ITAA Investigator or ITAA Investigating Subcommittee

The chairpersons of the committee shall prepare, if need be, with the advice of legal counsel to the Association, instructions specifying the scope of the investigator or subcommittee's investigation, including: (i) the names of the persons who should be contacted; and (ii) the areas of inquiry which should be pursued.

7.4 Investigator's Responsibilities

When an ITAA investigator is appointed, it shall be the investigator's responsibility in writing to:

1. Notify the respondent and complainant of the Ethics procedures to be used.
2. Contact both the complainant and the respondent in order to gather all relevant information.
3. Notify the respondent of their rights to appear, to testify or present their side of the allegations.

4. Notify the respondent that they may respond to the complainant's allegations in writing and that this response may be given to the complainant.

7.5 Authority of the ITAA Investigator or ITAA Investigating Subcommittee

The investigator or subcommittee shall investigate the allegations of the complaint in accordance with its instructions. The investigator or subcommittee shall have the authority to pursue its investigation by corresponding with or by interviewing, personally or by telephone, the persons named in the instructions. They also have the authority to resolve the matter by mutual agreement of the parties, the Ethics Committee reserving the right to review and approve the final agreement.

7.6 Mediation.

It will be the responsibility of the investigator/s to see if it is possible to facilitate a resolution of the issues through mediation and if need be, suggesting a line of action that is agreed upon by all concerned. If complainant and respondent agree upon resolution of complaint, such recommendation will be reported to the Ethics Committee for their review and approval.

7.7 Resolution not Reached

If a resolution is not reached, the investigator or investigating sub committee shall report the results of their investigation to the Ethics Committee with a recommendation for action. The Ethics Committee will review and take action.

7.8 Appearance by the Respondent before the Investigator or Investigating Subcommittee

The ITAA investigator or investigating subcommittee shall give the respondent the opportunity to appear before the ITAA investigator or investigating subcommittee to make a statement, at the respondent's expense. In any such appearance, the respondent shall have the right to be assisted by counsel, but must be an active participant himself or herself at the appearance. The respondent may ask to have a tape recording made of the appearance and shall pay for the expense thereof, including providing a copy of the recording to the ITAA investigator or investigating subcommittee or the full Ethics Committee.

7.9 Report by the ITAA Investigator or ITAA Investigating Subcommittee

After completing its investigation, the investigator or subcommittee shall make a full report to the Ethics Committee, detailing their findings of facts and shall include records of its investigation. It is the Ethics Committees responsibility to fully review and approve the recommendation.

Chapter 8 Hearing Board

8.1 Action by the Ethics Committee

The Ethics Committee may take the report of the investigator or investigating sub committee and find that violation/s of the Code have been established and order any of the following actions:-

1. An order to cease and desist
2. Censure
3. Supervision,
4. Education, and/or therapy
5. Perform community service
6. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)
7. Resignation with or without publication
8. Termination of membership
 - a) Permanent bar to readmission
 - b) Suspension or termination of the ITAA designation
 - c) Or any other action that the Ethics Committee deems appropriate.

If the Ethics Committee decides upon a finding for suspension or expulsion, the committee will so report to the ITAA president within ten (10) days after the decision. The Board of Trustees at the request of the ITAA president must enact requests for suspension or expulsion.

8.2 Charges from the Ethics Committee.

If the Ethics Committee decides that action be taken against a member and if, thereafter, the member requests a hearing before the hearing board, the Ethics Committee chairperson and the ITAA investigator shall transmit to the chair of the hearing board a statement of charges against the member.

8.3 Hearing Board Appointed

If the Ethics Committee in consultation with legal counsel for the Association decides to submit the case to a hearing board, the chairpersons shall:

1. Name a chairperson of the hearing board ideally, but not necessarily, from the ITAA Ethics Committee.
2. Instruct the chairperson of the hearing board to name at least three (3) hearing board Members.
3. Forward to each member of the hearing board
 - a) a copy of the complaint, or a statement of the complaint.
 - b) a copy of his or her letter to the respondent.
 - c) a copy of the respondent's response, if one was received, or if no response was received,
 - d) a statement to that effect; and
 - e) a copy of the report of the ITAA investigator or the investigating subcommittee, if one was empanelled.
4. Notify the respondent and the complainant that the case has been submitted to a hearing board.

8.4 The Hearing Board Chairperson shall:

1. Review the documents of the investigator.
2. Review the deliberations of the Ethics Committee.
3. Then establish the hearing board of no less than three (3) ITAA members (note the case investigator/s cannot be a member of the hearing board.)
4. Review the procedures to be used.

8.5 Action by the Hearing Board.

Once the case is submitted for deliberation and recommendation to the hearing board, the hearing board chairperson, in consultation with the appointed board members shall:

1. Notify the complainant and the respondent of the hearing board membership and procedures, after reviewing all documentation.
2. Notify the respondent that they shall have the right with reasonable explanation, to ask one member of the hearing board not to participate on the board. In the event that one member of the board is excused, one additional member of the ITAA may then be added to the hearing board in order to ensure a minimum of at least three persons on the board.
3. Advise the members of the hearing board to declare that they believe they can hear the case without bias.
4. Establish the procedures for the hearing and communicate them to both parties at least 15 days before the hearing.
5. Give the complainant and the respondent at least 30 days notice of the impending hearing.
6. Advise both parties of their right to have counsel present.
7. Advise the respondent that they may cross-examine the complainant and/or any other individuals appearing on behalf of the complainant, or presenting the complainant's case.
8. Advise both parties of their responsibility to gather and present any or all evidence or witnesses that the hearing board should consider.

8.6 Hearing Date and Location

Hearings will normally be held at ITAA conferences. The chair of the hearing board can schedule meetings outside of conferences only when the total meeting costs (members and staff travel, hotel, meals, etc.) would not exceed the total costs if the hearing were held at a conference. To plan a non-conference hearing, the chair of the hearing board must develop the comparable cost data and submit it to the ITAA treasurer prior to scheduling or announcing such a meeting. If an out-of-town hearing would exceed the cost of a conference-based hearing, the committee may make a special request to the treasurer for an exception to this policy. This request must include the comparable cost data and reasons why an exception should be considered.

8.7 Hearing Schedule

The hearing shall be scheduled for the first ITAA sponsored conference after the case was submitted to the Ethics Committee when possible, on a date chosen by the chairperson of the hearing board.

8.8 Notification of the Participants

The chair of the hearing board shall notify the chair of the Ethics Committee, legal counsel for the Association, the complainant and the respondent of the date and location of the hearing by mail, marked "CONFIDENTIAL" (using appropriate means).

8.9 Pre-Hearing Disclosure by the ITAA investigator, or ITAA Investigating Subcommittee and the respondent.

At least 30 days before the hearing, the ITAA investigator or ITAA investigating subcommittee member must submit to the chair of the hearing board and the chairpersons of the Ethics Committee the following documentation:

8.9.1 Statement of the Grounds for the Request for the Hearing: The ITAA investigator or ITAA investigating subcommittee and/or the Ethics Committee must submit in writing which of the following grounds are the basis for their request for a hearing, and their arguments for these contentions, that is:

8.9.2 Findings: The request is based on the contention that the findings of the ITAA investigator or ITAA investigating subcommittee were not consistent with the facts, or that the respondent disputes the facts, and if so, which facts, and the respondent's argument for this contention.

8.9.3 Procedures: The request is based on the contention that the ITAA investigator or ITAA investigating subcommittee did not follow the procedures for handling complaints, and the respondent's argument for these contentions

8.9.4 Actions: The request is based on the contention that the recommended actions of the ITAA investigator or ITAA investigating subcommittee are inappropriate or too harsh, and the respondent's argument for this contention.

8.9.5 Other Grounds. The request is based on other contentions, and the respondent's argument for these contentions.

8.10 List of the Witnesses and Summary of the Testimony

The hearing board chairperson, must request the complainant and the respondent to submit in writing a list of any witnesses he or she intends to present, and a summary of the testimony they will present, so substantial portions of such testimony can be stipulated and not repeated during the actual hearing.

8.11 Statements by the respondent and/or the respondent's Counsel, and Additional Materials

The respondent and/or his or her counsel may submit any additional written statements they may wish to make, as well as any additional materials they believe are relevant to the case.

8.12 Pre-Hearing Disclosure by the Ethics Committee

At least 30 days before the hearing, the Ethics Committee shall furnish the hearing board with copies of all relevant documents. The investigator will also submit a written summary of the testimony the witnesses did present, so substantial portions of such testimony can be stipulated and not repeated during the actual hearing

Chapter 9 Conduct of the Hearing

9.1 Purpose

The purpose of a hearing is to determine the facts and decide whether such facts constitute a violation of the ITAA Code of Ethics and if so to recommend actions to be taken.

9.2 Chairing the Hearing

The chairperson of the hearing board will rule on the procedures and on the admissibility of evidence, and shall be responsible for seeing that the hearing is conducted fairly. The chairperson will have access to legal counsel for advice on procedural matters.

9.3 The Format of the Hearing

The hearing format must allow the complainant and respondent to state their positions, ask questions of witnesses, answer questions posed by the hearing board, and make closing statements.

The following lists the sequence for the hearing:

1. Hearing board chairperson introduces board and participants and gives purpose of the hearing and an explanation of procedures.
2. Complainant gives a statement of allegations.
 - a) Board asks questions of complainant for clarification.
 - b) Respondent asks questions of complainant for clarification.
3. Respondent gives statement of response to allegations (refutation).
 - a) Board asks questions of respondent for clarification.
 - b) Complainant asks questions of respondent for clarification.
4. Complainant gives response to refutation.
 - a) Respondent gives statement of rebuttal.
5. Witness for the complainant.
 - a) Respondent asks questions of witness (repeat for each witness).
 - b) Board asks questions of witness (Repeat for each witness).
6. Witness for the respondent.
 - a) Complainant asks questions of witness (repeat for each witness.).
 - b) Board asks questions of witness (repeat for each witness).
7. Board asks final questions of complainant and of respondent.
 - a) Complainant gives closing statement.
 - b) Respondent gives closing statement.
8. Chairperson gives closing statement regarding action to be taken.

The hearing board may request additional information or documentation at any time from either the complainant or the respondent. If either is unable or unwilling to comply with this request, the board may, with notice to the complainant and respondent, call additional witnesses or request access to other evidence.

The hearing board must determine what documentation is pertinent and necessary and may limit the quantity of material it will consider.

9.4 Role of the ITAA Ethics Committee, ITAA investigator or ITAA Investigating Subcommittee

The investigator may present evidence to the hearing board. The investigator may not be a party to the discussion by the hearing board, nor vote.

9.5 Rights of the respondent

The costs incurred by the respondent, the respondent's attorney (if assisted by legal counsel), and any witnesses the respondent requests to present are not borne by ITAA. The respondent shall have the right to:

1. Be assisted by counsel.
2. Present witnesses or evidence, as determined by the hearing board chairperson.
3. Ask questions of witnesses against him or her.
4. Appear on his or her own behalf.

9.6 Evidence.

All evidence that is relevant and reliable, as determined by the chair of the hearing board, shall be admissible. The formal rules of evidence shall not apply.

9.7 Legal Counsel

Although each party may retain his or her own attorney in order to be properly counselled about his or her legal interests, rights, and obligations, such legal representative may not attend the hearing board

9.8 Recording of the Hearing

Audio or video taping of the proceedings is not allowed.

9.9 Burden of Proof

The ITAA investigator or ITAA investigating subcommittee shall have the burden of proving the complaints by a preponderance of clear, cogent and compelling evidence.

9.10 Voting

Voting shall be done in private with a majority vote required for dismissal of the complaint, for admonition, or for censure. The hearing board may also, by a two-thirds majority vote, request suspension of certification or other membership status until such time as a prescribed plan for re-establishing behaviour consistent with membership status is carried through. In the event that an individual is unwilling to cooperate with the process or with a prescribed plan, then the finding of the hearing board may be for expulsion.

9.11 Hearing Board Constraints

ITAA adjudication proceedings are not formal legal proceedings.

9.12 Decision of the hearing board Deadline

The hearing board shall issue its decision within 30 days after the hearing to the Ethics Committee for review and approval.

9.13 No Violation Found

If no violation of the Code of Ethics is found, the hearing board shall order that the respondent be cleared of all complaints that were reviewed at the hearing.

9.14 Violation Found.

If (a) violation(s) is/are found, the hearing board's decision shall state:

1. The findings of fact.
2. The code violation(s).
3. The action recommended to the Ethics Committee.

9.15 Ordered Action

If a violation or violations of the Code of Ethics are found, the hearing board shall recommend to the Ethics Committee actions to be taken for their review and approval. The ITAA Ethics Committee shall order action to be taken. The Ethics Committee may order that the investigator's recommended actions be implemented, or the Ethics Committee may impose its own actions, whether more lenient or severe. In imposing its own actions, the Ethics Committee may go beyond the investigator's or the hearing board's recommendations. For example, when the ITAA investigator or ITAA investigating subcommittee recommends supervision, the Ethics Committee could order termination.

Actions that may be ordered include:

1. An order to cease and desist.
2. Censure.
3. Supervision.
4. Education, and/or therapy.
5. Perform community service.
6. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation).
7. Resignation with or without publication.
8. Termination of membership:
 - a) Permanent bar to readmission;
 - b) Suspension or termination of the ITAA designation;
 - c) Or any other action within its remit that the hearing board deems appropriate.

The decision shall also recommend the manner in which the action is to be instituted and/or supervised. If a respondent is allowed to resign, or his or her membership is suspended or terminated, he or she must at once surrender his or her membership certificate to the ITAA office.

9.16 Findings of Expulsion.

If the Ethics Committee concurs with the finding for suspension or expulsion, the committee will so report to the ITAA president within ten (10) days after the review and approval of the findings of the hearing board. The ITAA president shall forward the findings to the Board of Trustees who must enact requests for suspension or expulsion.

9.17 Informing the Participants.

The chairpersons of the Ethics Committee shall, after a review of the written decision by legal counsel for the Association inform the following persons in writing of the decision:

1. The respondent;
2. The complainant;
3. Legal counsel for the Association.

Notice of the decision to the respondent and complainant shall be sent by mail, marked "confidential" (using appropriate means). Ethics Committee chairpersons tell non-members of the ITAA who are complainants only the disciplinary actions as decided.

Chapter 10 Appeals

0.1 Grounds for Appeal

The respondent, with reasonable grounds, may appeal the findings of the hearing board within thirty (30) days after it is announced. The only basis for appeal to the ITAA board of Trustees by a respondent regarding the decision of the Ethics Committee is that there was a violation of the procedural rules of the hearing board, and that this violation substantially impaired the respondent's ability to defend against the complaint. The appeal shall be limited to a review of the procedures, evidence and findings, with no new evidence being submitted.

10.2 Composition and Power of the Appeal Board

The appeal board is appointed by the president of ITAA and is the duly authorised committee of the Board of Trustees. The appeal board is composed of the chairpersons of the Ethics Committee, and four (4) persons delegated by ITAA Executive Committee. The appeal board shall have the power to change the findings of the hearing board and the approval of the Ethics Committee, dismiss the case, or to order a re-hearing by a different hearing board.

In cases involving the recommendation of suspension or expulsion, the appeal board shall have the right, as authorised by the ITAA bylaws, to initiate the process of suspension for a period of up to 12 months or to expel from membership of the Association. The grounds and procedures as contained in the ITAA bylaws are to be followed in such cases.

10.3 Written Statement of the Respondent

In order to affect an appeal, the respondent shall state, in writing, to the ITAA president the specific violation of the hearing board's procedural rules and how this violation substantially impaired the respondent's ability to defend against the complaint. The president of ITAA shall review the statement to ensure that the appeal is based on the contention that the hearing board violated its procedural rules. If not, the president may deny the appeal.

10.4 Respondent's Deadline

The respondent shall have thirty (30) days from receipt of the hearing board decision to appeal to the ITAA president.

10.5 Ethics Committee Transmittal to the Hearing Board

If an appeal is granted by the ITAA president, the Ethics Committee shall transmit to the ITAA president, the statement of the complaint, the recording, the hearing board's recommendations and the Ethics Committee's decision.

The hearing board chairpersons shall prepare a statement in response to the respondent's statement that includes a review of the relevant procedural rules and any substantive materials relating to the review of the hearing board's actions. The president will ensure that all materials are then submitted to the appeals board.

10.6 Scheduling the Appeal

The Appeals board shall consider the appeal within thirty days of receiving the notice of appeal. The appeal will be considered solely on the basis of the respondent's written statement and the response of the Ethics Committee or the Association's legal counsel (which may or may not be in writing), and there shall be no right to a personal appearance before the Appeals board by the respondent or his or her personal representative.

10.7 Vote on the Appeal

A majority vote by the appeals board shall determine the outcome of the appeal. Voting will be carried out as per the requirements for the conduct of meetings in the bylaws and guidelines. That is in a face-to-face meeting or by

conference phone call. A written vote by mail or fax (not email) will require the unanimous vote by all appeal board members.

10.8 Board Decision

The president of ITAA shall issue a written decision on the appeal and shall inform the respondent and the Ethics Committee of the decision in writing within fifteen (15) days of the meeting. The board must either

1. Affirm the Ethics Committee's decision or
2. Order a new hearing before a hearing board;
3. Change the findings of the hearing board;
4. Dismiss the case.

The only basis for ordering a new hearing is the appeal board's decision that the respondent demonstrated there was a violation of the hearing board's procedures that did substantially impair the respondent's ability to defend against the complaint.

10.9 If no Appeal is Made

If no appeal is made within thirty (30) days after the respondent has been notified of the decision of the hearing board, the decision of the hearing board shall become final.

As soon as the decision becomes final, the chairperson of the Ethics Committee transmits the decision to the Ethics Committee, and then informs the president of ITAA, legal counsel of the Association, and the ITAA office, and to the person or persons who are responsible for instituting and/or supervising the decision.

Chapter 11 Reopening a Case

11.1 Reopening a Case

If additional evidence of unethical conduct is brought to the attention of the Ethics Committee after a matter has been closed, the case may be reopened by the chairpersons of the ITAA Ethics Committee and acted upon under these procedures.

Chapter 12 Resignation from Membership

12.1 Resignation from Membership

In situations in which a charged member resigned from ITAA membership in the face of an Ethics Committee investigation, and a violation of the Code of Ethics is subsequently proven, any publication of the findings and actions of the Ethics Committee shall include the fact of the member's resignation.

12.2 Action during Litigation

Whilst civil or criminal litigation pending against members might not be a bar to the consideration of complaints by ITAA, the ITAA Ethics Committee will not normally proceed with complaints until the civil or criminal actions have been finalised. It shall be within the discretion of the Ethics Committee whether to proceed during the course of litigation or to wait until its completion. The time period between the lodgement of a formal complaint to the ITAA and the resolution of the civil or criminal litigation will not be counted in any time limits for the ITAA ethics processes.

12.3 Findings of Other Professional Associations, Regulatory Bodies, and Courts as the Basis for a Finding of a Violation the Code of Ethics

It is incumbent for members to maintain their good standing with other professional associations to which they belong and with regulatory boards which have jurisdiction over their professional practice, as well as to avoid conduct which could lead to conviction of felonies or misdemeanours related to their qualifications or functions. When a member has been disciplined by another professional association or regulatory board, or convicted of a felony or a misdemeanour related to his or her qualifications or functions by a court, it is the policy of the ITAA Ethics Committee and/or hearing board that the Committee will review the situation.

12.4 Respondent's Demonstration of Evidence to Overcome Presumption

In order to overcome the presumption of an ITAA member not maintaining their good standing with other professional associations or with regulatory bodies which have jurisdiction over their professional practice or conduct, the respondent must prove to the hearing board's satisfaction one of the following:

12.4.1 A Flawed Process

That the process was so flawed that the finding of the association or board is not entitled to a presumption of correctness (for example, demonstrated bias of one of the decision makers, failure of the body to allow the respondent to be heard, etc.).

12.4.2 Action Too Severe

That in the case of a disciplinary action by an association or board, the action was far in excess of the respondent's conduct.

12.4.3 Absent Evidence: The Hearing Board's Recommended Action

In the absence of compelling evidence of one or both of the above, the ITAA hearing board and/or Ethics Committee will not question or go behind the finding of the association, board, or court, and will move on to its decision about what disciplinary action it will recommend.

12.4.4 Other Charges Based on Actions by Disciplinary Bodies

On occasion, when a respondent is charged by the Ethics Committee with an alleged violation of the Code on the basis of the action by another association, board, or court and the Committee also decides to charge the respondent with additional alleged violations of the ITAA Code of Ethics growing out of facts related to the charge of violation, then the following principles will be applied:

i. Clear Evidence

If the evidence is clear concerning these other alleged Code of Ethics violations, the hearing board and/or the Ethics Committee may make a finding of violations.

ii. Disputed Evidence

However, if there is a dispute concerning the facts of these other alleged violations, the hearing board and/or the Ethics Committee at its own discretion may decide to drop the other alleged Code of Ethics violations and rely solely on the finding of the other professional bodies regarding the alleged violation/s. Since the hearing board and/or the Ethics Committee must carefully allocate its limited resources to conduct investigations, it is appropriate for them to limit investigations in cases where there is a serious factual dispute and no clear allegation of violation.

Chapter 13 Settlement by Mutual Agreement

13.1 Settlement by Mutual Agreement

After review of the complaint, response of the respondent, and report of the ITAA investigator or ITAA investigating subcommittee, if one was empanelled, the hearing board and/or the Ethics Committee may attempt to settle the case by mutual agreement with the respondent.

13.2 Possible Actions in Mutual Agreements

In making such a settlement, the hearing board and/or the Ethics Committee may recommend to the respondent that he or she agree to their request that the respondent

1. Cease and desist,
2. Accept censure, supervision, education, rehabilitation and/or therapy,
3. Perform community service,
4. Agree to suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation),
5. Resignation, or,
6. Termination of membership (a permanent bar to readmission),
7. Publication of the terms of the settlement by mutual agreement, or,
8. Any other action which the Association is authorized to take against a respondent.

13.3 Written Agreement

The mutual agreement shall become final as soon as it is specified in writing and shall detail the facts upon which it is based and the manner in which it is to be instituted and/or supervised.

13.4 Supervision of the Agreement

The agreement shall be instituted and/or supervised by the Ethics chairperson or his/her delegate of the Ethics Committee and/or any respondent of the Association so designated in the agreement.

13.5 Finalization of the Agreement

The agreement shall become final as soon as it is specified in writing, agreed to and signed by the respondent and the Ethics Committee or at any other time designated in the agreement.

13.6 Failure to Meet the Terms of the Agreement.

If at any time the respondent fails to meet fully the terms of the agreement, the matter shall be returned to the Ethics Committee for further action, and may serve as grounds for recommending termination of membership.

13.7 Other Action

If the hearing board and/or the Ethics Committee do not attempt settling by mutual agreement, or if the respondent does not accept an offer of a settlement by mutual agreement, it will either drop the charges and close the case, or make a formal recommendation. If the Committee recommends formal action it shall recommend action to be taken, including an order to:

1. Cease and desist,
2. Accept censure, supervision, education, rehabilitation and/or therapy;
3. Perform community service;
4. Agree to suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation);
5. Resignation with or without publication, or
6. Termination of membership (a permanent bar to readmission),
7. Publication of the terms of the settlement by mutual agreement, or
8. Any other action that the Association is authorized to take against a respondent,
9. Recommend the manner in which the action will be instituted and/or supervised,
10. Notify the respondent of the recommendation,
11. Send the respondent a copy of the findings and recommendations of the Ethics Committee,
12. Inform the respondent by mail, marked "confidential" (using appropriate means), that he or she has a right to request an appeal to the ITAA president, who if he/she agrees calls an appeal hearing board composed of members of the ITAA Ethics Committee and the ITAA Executive Committee who have the power to
 - a) Change the findings of the hearing board,
 - b) Dismiss the case, or,
 - c) Order a re-hearing.

If the respondent does not request an appeal before the ITAA Executive Committee within thirty (30) days from the receipt of notification, no hearing will be held, and the Ethics Committee recommendation for action will become final.

Chapter 14 Confidentiality

14.1 Confidentiality

All information concerning ethical complaints made against ITAA members shall be treated in a strictly confidential manner by ITAA Ethics Committee members, ITAA staff persons, and ITAA members. Ensuring that confidentiality is maintained is important in order to protect the rights of the individual members who are the subject of complaints, and to protect ITAA from charges of improper disclosure of information. Under the terms of these procedures, all information regarding complaints shall be treated in a strict, confidential manner. Ethics case information is not to be faxed or sent by any electronic means unless the sender has ensured that only the recipient will see it.

14.2 Breaches of Confidentiality

The Ethics Committee may take action if either party alleges a breach of confidentiality by:-

1. Sending letters of warning, or

2. Terminating proceedings.

If the Ethics Committee determines that a breach of confidentiality has occurred it may demand that all confidential material must be immediately removed from any person to whom the material was given and returned to the ITAA office.

14.3 Staff.

Secretaries and paid volunteer staff who received information about complaints should be instructed on the confidential nature of the information.

14.4 Correspondence

Correspondence concerning ethical complaints received by ITAA staff should be mailed as "personal and confidential" to the ITAA Ethics Committee chairpersons. It should not be faxed or emailed, unless the sender has ensured that only the recipient will see it.

14.5 Discussion of Complaints

Any necessary discussion of cases by Ethics Committee officers, staff or members should take place where conversations cannot be inadvertently overheard by other member of an office, or members of the public.

14.6 Confidentiality Exceptions

All information obtained by the Ethics Committee, including any investigation subcommittee, and all proceedings of the Ethics Committee, shall be confidential except to obtain evidence when participants may disclose that a complaint is under way. The participants should provide the least amount of information and not disclose any identification of the parties involved.

14.7 Publication of Sanctions

Whenever the Ethics Committee orders publication of sanctions such publication shall be an exception to the rule of confidentiality stated above.

Chapter 15 Disclosure of Information

15.1 Publication or Dissemination of Information.

It is clearly inappropriate for members to disseminate any information regarding a complaint (including the existence of a complaint) to any member of the public or to any ITAA member who is not directly involved in the processing of the particular complaint under consideration.

The procedures allow the ITAA Ethics Committee, at their discretion, and during the process before the final disposition, to manage the information, decide who is to be informed and/or consulted in the process of dealing with complaints.

When the case is completed it is the ITAA Executive Committee on the recommendation of the ITAA Ethics Committee who publish to ITAA members information regarding the final disposition of an ethics complaint.

15.2 Questions about Disclosure

When ITAA officers, staff, and members have questions about whether information may properly be disclosed, these should be referred to the ITAA Ethics Committee chairpersons.

15.3 Disclosures by an investigator or an Investigating Subcommittee

Whenever the Ethics Committee appoints an investigator or subcommittee to investigate a case, either may disclose such information as is necessary to pursue its investigation. The ITAA investigator or ITAA investigating subcommittee shall not consult with anyone not specified in the Ethics Committee instructions without receiving additional instructions from the Ethics Committee chair and legal counsel for the Association.

15.4 Disclosure to the Complainant

The Ethics Committee shall disclose to the complainant the disposition of a particular case, as it affects them. ITAA does not reveal internal discipline of the respondent to the complainant unless the hearing board chairperson and Ethics Committee chairperson rules otherwise.

15.5 Termination of Membership

Whenever an ITAA Ethics Committee recommendation for termination of membership becomes final, the ITAA Executive Committee shall publicize the fact to the Association membership. Publication will include notices both in The Script and with the annual membership dues statement, and will state the member's full name, any earned degree, his or her geographical location, and the violation of the section of the Code of Ethics proven. Notification of a member's termination shall be provided to other relevant professional associations and state regulatory bodies.

15.6 Publication of Other Sanctions.

Publication of sanctions other than termination, including notifications of relevant professional associations and state regulatory bodies, may be directed by the Ethics Committee, within its sole discretion, in whatever manner and to whatever extent the Committee deems appropriate.

15.7 Inquiries from State Regulatory Agencies and Professional Organizations

It is the policy of the ITAA Ethics Committee to cooperate with the state regulatory agencies, other professional organizations, or any other institution or organization which has disciplinary control over the member or former member, when they inquire about any disciplinary action taken against a member or former member for violation of the Code of Ethics. If the member or former member has never been found to have violated the Code of Ethics, the state regulatory agency or professional association will be so informed. In cases where the member or former member has been found to have violated the Code of Ethics, and when such an inquiry is received, the following procedures will be followed:

15.7.1 Notification of the Member

The member or former member will be notified in writing that such a request has been received and that the ITAA intends to comply by a specific date.

15.7.2 Content of Response to the Inquiry

The inquiry will be answered with a report from the Ethics Committee chair. The report will include the following

1. The principle(s) / subprincipal(s) of the Code of Ethics that were violated;
2. A brief statement regarding the nature of the offence;
3. The disciplinary action taken, if any; and
4. The date of the event and/or finding.

A copy of the report will be sent to the member or former member.

Disclosures to ITAA Awards Committees and/or the T&C Council.

15.8 Reports to the T&C Council regarding Certified Members, Supervisors or Teachers of Transactional Analysis.

When an ITAA member has been found to be in violation of the Code of Ethics, and after action, if any, the Ethics Committee will submit a brief report on this violation to the T&C Council. The report will state the section/s of the Code of Ethics violated, a brief statement regarding the nature of the offence, the disciplinary action taken, and the date of the Committee's finding.

15.9 Reports to the ITAA Awards Committees and the ITAA Elections Committee

If a person has been found in violation of the Code of Ethics, the Ethics Committee will make a report to the ITAA Awards Committee when the member is a nominee for an honour, or to the Elections Committee when the member is a nominee for office, provided that the person has signed an appropriate waiver at the request of the Award committee or the Elections Committee. The report of the Ethics Committee will state the section/s of the Code of Ethics violated or alleged to have been violated, a brief statement regarding the nature of the offence, the disciplinary action taken, if any, and the date of the event and/or finding.

15.10 Disclosures Required by Law

The ITAA may disclose such information when compelled by a validly issued subpoena, or when otherwise required by law.

15.11 Disclosure to ITAA Board of Trustees

The ITAA Ethics Committee chairpersons will inform the president who will inform the ITAA Board of Trustees of any disciplinary action taken against a member for violating the ITAA Code of Ethics.

Chapter 16 Records

16.1 Disposition of Files

The disposition of any complaint investigated by the Ethics Committee or a hearing board shall be noted in that individual's file and all records of the investigation placed in a sealed file to be opened only in the event of a future complaint against the same individual.

1. Files for those members whose membership is terminated or who are permitted to resign are maintained indefinitely.
2. Files of cases in which the member is found not to have violated the Code of Ethics are screened for identifiable (statistical) information and then destroyed after one year.
3. Files of cases closed for insufficient evidence are maintained for five years.
4. Files of cases where the Ethics Committee has found a violation but where the sanction is less than termination of membership are maintained for five years.
5. All case files containing identifiable information are destroyed one year after the Association is notified of death of the member or former member.
6. The ITAA Ethics Committee may use its case files for archival, educative, or other legitimate purposes so long as identification of the parties is protected.

16.2 Materials

Copies of all original materials regarding ethics complaints received in ITAA offices should be sent immediately to the ITAA Ethics Committee chairpersons or their delegate.

16.3 Records

All records of the hearing board proceedings, including the decisions, recordings of hearings, and supporting documents, shall be maintained in the office of the Association. The permanent files of the Ethics Committee shall be maintained in the office of the Association.

Chapter 17 Consultants

7.1 Appointment of a Consultant

The Ethics Committee may assign a consultant to a complainant and to a respondent (upon acceptance of the formal complaint). A Consultant will be assigned if either party requests a consultant or if a consultant is deemed appropriate by the Ethics Committee. The committee is not required to appoint a consultant. Any person appointed must be acceptable to the party they are to support.

The role of the consultant will be to assist the complainant or the respondent through the ethics process. The consultant may also provide confidential support to the person to whom they are assigned. The consultant may be present in any investigative interview or hearing board meeting but will not take an active part in the interview or hearing.

17.2 Confidentiality

Consultants will respect the confidentiality of the complaint process. They should be familiar with the ITAA Code of Ethics and the manual of procedures for handling ethics complaints.

17.3 Consultant guidelines

Before a complaint is filed the consultant for the complainant may:

1. Offer to meet or communicate with the complainant.
2. Answer questions about ethics procedures for handling complaints.
3. Seek advice from the Ethics Chairpersons when needed.
4. Encourage an ambivalent complainant to file a serious complaint.
5. Discuss the appropriateness of filing frivolous or baseless complaints.
6. Explore alternative options for seeking a resolution to a complaint.
7. Assist the complainant to focus on the facts of the allegations and the outcome desired.

8. Help the complainant to relate the allegations to specific sections of the Code of Ethics.
9. Help to identify supporting documents and witnesses who can give first-hand data.

17.4 Once a complaint is filed the consultant for the complainant may:

1. Answer further questions about the ethics procedures.
2. Discuss the option of seeking a negotiated resolution/ mediation.
3. Review the respondent's material with the complainant.
4. Review the complainant's proposed statement to the hearing board.
5. Discuss the hearing board process and expected conduct at the hearing.
6. Discuss possible responses by the respondent and suitable replies.

17.5 Before a complaint is filed the consultant for the respondent may:

1. Offer to meet or communicate with the respondent.
2. Answer questions about ethics procedures for handling complaints.
3. Seek advice from the Ethics Chairpersons when needed.
4. Ensure the respondent is aware of any deadlines for submission of materials.
5. Encourage the respondent to file a written submission that focuses on facts specific to the allegations.
6. Help to identify supporting documents and witnesses who can give first hand data.
7. Offer to review materials before they are submitted whilst being careful not to impose ideas or wording.

17.6 During a hearing the consultants sit next to the party they are assisting but they do not participate unless asked to do so by the board chairperson. They may request permission to confer with their party.

17.7 Following the hearing the consultant is available to advise their party on the appeal process.

17.8 The consultant's responsibility ends when the case is resolved and the time limit for appeal has expired or an appeal has been heard and a decision announced.

APPENDICES

APPENDICES TO THE ETHICS MANUAL OF PROCEDURES

1. Ethics Complaint Form
2. Letter to Complainant
3. Waiver of Confidentiality Privilege and Authority to Release Information
4. Letter to ITAA Member Against Whom the Allegations are Made
5. Flow Charts of Complaint Process

ETHICS COMPLAINT FORM

CONFIDENTIAL

Date _____

1. Complainant (Person making the complaint)

Name _____ Address _____

City, State or Province, Postal Code, Country _____

Home Phone () _____ Business Phone () _____

Email: _____

2. ITAA member (respondent - person being complained about)

Name _____ Address _____

City, State, Postal code, Country _____

Telephone () _____ Email: _____

3. Your relationship with the respondent at the time of the alleged violation (e.g., client, colleague, employee, trainee, etc.)

4. Date/s of the alleged unethical behavior

5. Details of the alleged violations

Write an account of what happened that you believe to be an ethical violation and how the events affected you. Be as specific as possible. Please type or use a computer if possible. Include this when you return the form. You may send additional information at any time up until the Ethics Committee begins its deliberation.

6. The section/s of the ITAA Code of Ethics that you believe have been violated

7. Provide details of the outcome of the action that you took to confront the ITAA member

8. Any actions that you have taken or are considering taking to deal with the alleged violations (e.g., advising the respondent's employer, initiating a formal grievance process with another body, seeking legal sanctions, etc.)

9. Have you filed a formal complaint against the ITAA member with any other organization?

Yes _____ No _____

If yes, what organization? Please include a contact number.

10. Provide the names, addresses and telephone numbers of witnesses, if any, or others who might provide relevant information about the events you are filing a complaint about. If possible obtain from them a signed statement that can be sent along with this form.

Signed

Date

LETTER TO COMPLAINANT

Date

CONFIDENTIAL
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

xxxxxx

xxxxxxx

Dear

I am responding to your letter regarding your complaint against_____.

Since you believe that this member has violated the *ITAA Code of Ethics*, you may file a formal complaint with the ITAA Ethics Committee by using the enclosed Ethics Complaint form.

Please read the enclosed copy of the *ITAA Code of Ethics*.

Please read the enclosed Waiver and Release of Information Form. In order for the Ethics Committee to proceed with the case, it is necessary that you give the Committee permission to use your name and the information you provide when we contact the member with your complaint and when the Committee considers your case. Please sign the form, which gives the Ethics Committee permission to use your name in this manner.

Please understand that signing of the waiver to release information grants the Ethics Committee permission to send a copy of your complete complaint materials including witness statements and any additional material provided to the member for a response,

Please return all of the materials in envelopes marked "CONFIDENTIAL" to:

The Chairpersons
ITAA Ethics Committee
ITAA
2186 Rheem Drive
Pleasanton, CA 94588

When all the material has been received, the chairpersons' first steps will be to decide whether the allegations in your complaint would, if proven factual, constitute a violation of the *ITAA Code of Ethics* and therefore warrant an investigation. If so, the chairperson will appoint a suitable person to investigate. You will be informed of this decision.

The investigator will be responsible to:

1. Contact both the complainant and the respondent to gather information
2. Notify both parties of the ethics procedures to be used.
3. Notify the respondent of their rights to appear, to testify or present their side of the allegations.
4. Determine if a resolution can be agreed to through a mediation process.

A full copy of the Ethics Manual of procedures to be used can be obtained from the ITAA office.

Once you have considered making a formal complaint you are advised not to discuss the matter with anyone not directly involved with it. All information should be treated as highly confidential. The Ethics manual outlines the procedures for any disclosure of information.

Please retain copies of all the documents included with this letter for your own reference. Also, please keep copies of all your correspondence with the Ethics Committee.

We realize that this may be a very difficult as well as lengthy process. We appreciate your patience and cooperation. If you need any further assistance in reaching a decision or in compiling your complaint please feel free to contact either of the chairpersons of the Ethics Committee.

Thank you for contacting the Ethics Committee with your concerns. Our organization is committed to maintaining high standards of ethical practice in Transactional Analysis.

Sincerely,

xxxxxxxxxxxxxxxxxxxxxx

Ethics Committee Co-chair

Enclosures: Ethics Complaint Form

ITAA Statement of Ethics

Waiver Form

Summary of Procedures for Ethical Complaints

WAIVER OF CONFIDENTIALITY PRIVILEGE

AND

AUTHORITY TO RELEASE INFORMATION

I, _____ have filed a complaint with the International
(name of complainant)

Transactional Analysis Association (ITAA) dated _____ against a member of the
(date of the complaint)

ITAA _____
(name of the ITAA member (respondent) against whom the complaint has been filed)

I hereby waive any confidentiality privilege with respect to the member of the ITAA against whom I have made a complaint (respondent) so that the member may respond to my complaint and provide confidential information to the ITAA Ethics Committee regarding the matters raised in my complaint; and to those people who, in the discretion of the committee, its staff or legal counsel, it may be necessary to contact in order to conduct a full and fair investigation of the complaint.

I hereby authorize the release of the information contained in my complaint to the respondent, the members of the ITAA Ethics Committee, the investigator or investigation sub-committee who will conduct a thorough and fair investigation of the complaint, the legal counsel for the ITAA, and those individuals who in the discretion of the

committee or its legal counsel may need to receive this information. I also authorize the release of this information to those that might carry out any ensuing therapy or supervision resulting from discipline to the respondent. I waive any claims that I may have or could have against the ITAA, its Board of Trustees, its employees or committee members, relative to the release of information that is the subject of my complaint. I authorize the use of my name in the investigation of my complaint by the ITAA Ethics Committee, and the legal counsel for the ITAA.

Name of complainant (Please Print)

Date Signature of complainant

LETTER TO ITAA MEMBER AGAINST WHOM THE ALLEGATIONS ARE MADE

Date

CONFIDENTIAL

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

XXXXXX

XXXXXX

XXXXXX

XXXXXX

Dear

I am writing to you as Co-chair of the International Transactional Analysis Ethics Committee. I regret to inform you that the ITAA Ethics Committee has received a formal complaint against you from _____. A copy of his/her correspondence is enclosed as well as a waiver and permission to release information.

The Ethics Committee will now begin a process of investigation to determine if there has been an ethics violation. At this point, the Ethics Committee makes no assumptions of the validity of the information provided by the complainant. We know that this is a difficult and often lengthy process and we would appreciate your cooperation.

CHARGES

Based on the information provided thus far by the complainant, I have determined that allegations of _____, if found to be factual, would be a violation of the *ITAA Code of Ethics*, as follows:

1. Principle ### which states:

This charge is based on _____ in the complainant's materials.

2. Principle ### which states:

This charge is based on _____.

These charges are based on information that we have at this time. It may be necessary to charge you with additional violation, if further allegations come to our attention.

YOUR RESPONSE

Please respond to each of the allegations made by the complainant, even if they are not specifically outlined in this letter. If you fail to respond to any specific allegations within thirty (30) days of the date of this letter, the Ethics Committee may take your lack of response as your admission of the facts in this allegation and consideration may be given to the status of your ITAA membership.

To assist us in the investigation, please also provide the following information:

A sequence of events leading up to the time of the alleged violations and following that time.

Any other relevant information such as copies (not originals) of relevant documents such as billing records, letters, clinical records, telephone bills, diaries, letters, etc. which might explain or validate your response

You may also submit information from other people with relevant information. You may send this with your own response or have these people submit this directly to the ITAA office at the address on this stationery. Any

information submitted should have a signed authorisation for its use in the ITAA Ethics complaint process from the person releasing the material. *Please do not ask for or submit general letters of support from current or former clients.* Send your written response within thirty (30) days of receipt of this letter. You may consult with legal counsel, but you must respond to the charges yourself. Failure to respond could result in termination of your membership in ITAA. Please understand that your response may, if necessary to the investigation, be discussed in detail with, or forwarded to the complainant.

PROCESS

A flow chart is enclosed to help you understand the enclosed *procedures* and the process of the investigation as described below.

The first step will be the investigation conducted by an investigator appointed by the ITAA Ethics Committee chair. This investigation will be conducted largely through correspondence with you, the complainant, witnesses suggested by you and/or the complainant, and other persons with useful information.

During this stage of the process the investigator will remain open to the complaint being resolved by negotiation through a mediation process.

It is the Ethics Committee's responsibility to see that investigations are conducted thoroughly and impartially and that its *procedures* are followed. It is your responsibility to cooperate with the investigation, to respond fully and truthfully to inquiries within the deadlines given, and to provide all the information requested by the Ethics Committee and staff.

After this investigation, and if no mediated resolution to the complaint is reached, the next step is for the Ethics Committee to meet and review all the relevant information gathered in the investigation, arrive at a decision as to whether or not, in its judgment, violations of the *ITAA Code of Ethics* have occurred and, if so, what actions should be recommended. It is not a meeting where members, complainants, or witnesses are present or are interviewed.

When the Ethics Committee reaches a decision, you will be notified. If the investigation is continuing, you may be requested to provide further information. If the decision is that you did violate the *Code of Ethics* and disciplinary actions are recommended, you may accept those decisions, or you may exercise your right to have those decisions reviewed by a hearing board.

We make every effort to complete the investigation and deliberation process in as timely a manner as possible. However, due to the complexities involved in most ethics cases and the difficulty for the ITAA Ethics Committee to have face-to-face meetings to deliberate, this process can unfortunately be time-consuming. Your prompt response to this letter and subsequent communications will serve to expedite this matter.

CORRESPONDENCE

We are sending this notice to you at the last known address we received from you with payment of your dues and mailing that to the address will be deemed sufficient notice.

Please send your response and all other correspondence to Please include the date, your current address, home and office phone numbers and email address on all correspondence. Please advise which of the addresses will provide confidentiality for any correspondence.

Once you have received notice of a formal complaint you are advised not to discuss the matter with anyone not directly involved with it. All information should be treated as highly confidential. The ethics manual outlines the procedures for any disclosure of information.

We realize that this may be a very difficult as well as lengthy process for you. We appreciate your patience and cooperation, and will endeavour to maintain and respect confidentiality.

Sincerely,

xxxxxxxxxxxxxxxxxx

Ethics Committee Co-chair

Enclosures: Materials from complainant, with waiver

ITAA Code of Ethics

Summary of Procedures for Ethical Complaints

Flow Charts

ITAA ETHICS PROCEDURES FLOW CHART

